

### REMARKS

This responds to the Office Action dated September 29, 2005.

Claims 1, 8, 10, 11, 16-18, 21-23, 28, 29, 34, 35, 40-42, 45, 46, 49, 53 and 56 are amended, no claims are canceled or added; as a result, claims 1-56 are now pending in this application.

The specification is amended to correct a typographical error. Applicant respectfully submits the amendment includes no new matter and makes clear that which was already present in the specification.

The claims are amended. Applicant respectfully submits the amendments include no new matter and make clear that which was already present in the specification.

### Interview Summary

Applicant's representative Tom Obermark thanks the Examiner for the courtesy extended during the telephone interview of January 18, 2006. The § 112 rejections were discussed and the Examiner further clarified the rejections. The Examiner indicated claims 1, 8, 11, 16, 18, 21, 23, 29, 35, 40, 45, 46, 49 and 56 should overcome the rejections as amended herein.

### Claim Objections

Claims 10, 17, 22, 28, 34, 41 and 53 were objected to for informalities. Claims 10, 17, 22, 28, 34, 41 and 53 are amended to correct typographical errors. Applicant respectfully submits the amendments include no new matter and make clear that which was already present in the specification. Reconsideration and allowance of claims 10, 17, 22, 28, 34, 41 and 53 are respectfully requested.

### §112 Rejection of the Claims

Claims 1, 11, 18, 23, 29, 35, 46, 49 and 56 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant respectfully traverses the rejections for at least the following reasons. The Office Action states:

After performing the first etching step, the claims recite a second selective *etching* step that only *etches* the first mask apparently with[out] affecting the second mask. The two etching steps are different according to the claims, but the mask layers are etchable by the same process. In that case, the selective etching of one mask is not possible.

Office Action at page 2, paragraph 4. (Emphasis Added). Applicant traverses these statements. Claims 1, 11, 18, 23, 29 and 35 as amended, recite in combination, forming a second mask layer over the first mask layer, wherein the first mask layer and second mask layer are etchable by a same etching process, and selectively removing the first mask layer by a process different than the same etching process, wherein the second mask layer remains. Applicant respectfully submits claims 1, 11, 18, 23, 29 and 35 are definite because the claims do not recite a second selective etching step. Instead, claims 1, 11, 18, 23, 29 and 35 recite selective removal of the first mask layer by a process different than the same etching process, wherein the second mask layer remains. Furthermore, Applicant respectfully submits claims 1, 11, 18, 23, 29 and 35, as amended, are definite because selectively removing the first mask layer by a process different than a same etching process distinguishes the step of selectively removing the first mask layer from the step of forming a second mask layer over the first mask layer, wherein the first mask layer and second mask layer are etchable by the same etching process.

Additionally, claims 46 and 49 as amended, recite in combination, forming a second mask layer over the first mask layer, wherein the first mask layer and second mask layer are etchable by a same etching process, and selectively wet removing the first mask layer by a process different than the same etching process, including removing footings disposed adjacently to the first mask layer and second mask layer, wherein the second mask layer remains. Applicant respectfully submits claims 46 and 49 are definite for at least substantially similar reasons as stated above with regard to claims 1, 11, 18, 23, 29 and 35.

Further still, claim 56 as amended, recites in combination, forming a second mask layer over the first mask layer, wherein the first mask layer and second mask layer are etchable by a same etching process, and selectively wet removing the first mask layer using a process different than the same etching process, and the process includes an ammonium peroxide mixture, wherein the second mask layer remains. Applicant respectfully submits claim 56 is definite for at least substantially similar reasons as stated above with regard to claims 1, 11, 18, 23, 29, 35, 46 and 49.

Reconsideration and allowance of claims 1, 11, 18, 23, 29, 35, 46, 49 and 56 are respectfully requested.

Claims 8, 16, 21, 29, 40, 45, 47 and 56 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant respectfully traverses the rejections for at least the following reasons. The Office Action states:

The meaning of the limitation citing the covering layer is not incorporated in an etch residue is confusing since it is not clear whether the covering layer acts as an etch stop or the residues do not stick to this layer. The presence of confusing limitations renders the claims indefinite.

Office Action at page 3, paragraph 5. Claims 8, 16, 21, 40 and 45, as amended, recite, wherein etching the second mask layer and first mask layer includes etching the second mask layer and partially etching the first mask layer, wherein the covering layer is not incorporated in an etch residue. Applicant respectfully submits claims 8, 16, 21, 40 and 45 are definite because etching the second and first mask layers includes etching the second mask layer and partially etching the first mask layer so the covering layer is not etched and thereby not incorporated in an etch residue.

Additionally, claim 29 as amended, recites, etching the second mask layer and partially etching the first mask layer, wherein the covering layer is not incorporated in an etch residue. Applicant respectfully submits claim 29 is definite for at least substantially similar reasons as stated above with regard to claims 8, 16, 21, 40 and 45.

Furthermore, claim 47 recites, wherein etching the second mask layer and partially etching through the first mask layer includes preventing incorporation of the covering layer in an etch residue. Applicant respectfully submits claim 47 is definite for at least substantially similar reasons as stated above with regard to claims 8, 16, 21, 29, 40 and 45.

Further still, claim 56 recites, etching the second mask layer and partially etching through a first mask layer, wherein the first mask layer separates the covering layer from etching, and the covering layer is not incorporated in an etch residue. Applicant respectfully submits claim 56 is

definite for at least substantially similar reasons as stated above with regard to claims 8, 16, 21, 29, 40, 45 and 47.

Reconsideration and allowance of claims 8, 16, 21, 29, 40, 45, 47 and 56 are respectfully requested.

*Allowable Subject Matter*

Claims 1-56 were indicated to be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in the Office Action.

Applicant respectfully submits claims 1, 8, 10, 11, 16-18, 21-23, 28, 29, 34, 35, 40-42, 45, 46, 49, 53 and 56 have been amended to overcome the § 112 rejections. Additionally, claims 2-10; 12-17; 19-22; 24-28; 30-34; 36-41; 43-45; 47, 48; and 50-55 are dependent claims of the allowable claims 1, 11, 18, 23, 29, 35, 42, 46 and 49, respectively, and therefore include all of the limitations of the allowable claims.

Reconsideration and allowance of claims 1-56 are respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2117 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26 day of January, 2006.

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